

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION



3M COMPANY,

Plaintiff,

v.

CHRISTIAN INVESTMENTS LLC, D/B/A  
PROTECTED DOMAIN SERVICES, et al.,

Defendants.

CIVIL ACTION NO. 1:11cv627 (TSE/JFA)

**CONSENT JUDGMENT**

The parties having agreed to the entry of this Consent Judgment, the Court hereby enters the following findings of fact, conclusions of law, and

**ORDER:**

1. 3M Company ("3M") is a Delaware corporation having its principal place of business at 3M Center, 2501 Hudson Road, St. Paul, Minnesota 55144.
2. Defendant Molek Abadi Sdn Bhd. d/b/a Whoisprotection.cc, incorrectly named in the First Amended Complaint simply as Whoisprotection.cc ("Whoisprotection.cc"), is a private limited company offering WHOIS privacy protection services with a principal place of business at Lot 2-1, Incubator 1, Technology Park Malaysia, Bukit Jalil, Kuala Lumpur, Wilayah Persekutuan, Malaysia 57000.
3. This Court has jurisdiction over the subject matter of this action pursuant to Section 39 of the Lanham Act, 15 U.S.C. § 1121; pursuant to Chapter 85 of the Judiciary and Judicial Procedure Code, 28 U.S.C. §§ 1331 and 1338; and has supplemental jurisdiction over

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the state law claims under 28 U.S.C. § 1367(a).

4. 3M owns the mark and trade name 3M, as well as various other marks and names that include 3M (the "3M Mark"). 3M commenced use of the 3M Mark, in commerce which may lawfully be regulated by Congress, at least as early as 1906. Since that time, 3M has continuously used the 3M Mark in commerce.

5. 3M is one of the world's most diversified companies. Over the years, 3M has expanded its use of the 3M Mark and presently offers more than 55,000 products and services in a wide variety of fields under the 3M Mark.

6. For many years, 3M has displayed the 3M Mark as part of the following logo design displaying "3M" in red block Helvetica letters:



The logo is used in connection with almost every 3M product and service, and is displayed prominently on 3M's website at [www.3m.com](http://www.3m.com).


7. The 3M Mark is inherently distinctive and serves to identify and indicate the source of 3M's products and services to the consuming public.

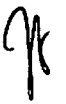
8. The 3M Mark is famous throughout the United States, including in Virginia.

9. The 3M Mark is widely recognized by the general consuming public of the United States as a designation of source of 3M's goods and services.

10. In accordance with federal law, 3M has registered the 3M Mark on the Principal Register of the United States Patent and Trademark Office. 3M now owns hundreds of U.S. registrations for the 3M Mark for numerous products and services. 3M's registrations include:

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MARK	REG. NUMBER	GOODS
3M	405,413	(Int'l Class: 1) Adhesive Cements
3M	561,157	(Int'l Class: 3) Coated abrasives
<b>3M</b>	587,909	(Int'l Class: 21) Polishing sheet or strip material (frequently sold in the form of endless belts) comprising a flexible backing upon which is bonded a layer of resilient particles
	612,848	(Int'l Class: 17) Masking tape, cellophane tape, acetate fiber tape, and other pressure-sensitive adhesive tapes
<b>3M</b>	700,268	(Int'l Class: 1, 17) Light reflective materials in sheet, strip, and liquid form
3M	766,144	(Int'l Class: 1) Primer for adhesives
<b>3M</b>	793,456	(Int'l Class: 10) Dental restorative materials
<b>3M</b>	887,227	(Int'l Class: 5) Medical cold pack
<b>3M</b>	893,544	(Int'l Class: 6) Thin metallic strips for concealment in books or periodicals
<b>3M</b>	901,982	(Int'l Class: 3) Abrasive wheels
<b>3M</b>	906,050	(Int'l Class: 22) Synthetic fibers embedded in a resinous backing and sold in the form of sheets, discs, strips or continuous rolls, for general use in the industrial arts
3M	985,125	(Int'l Class: 10) Orthoptic eye patch
<b>3M</b>	1,042,074	(Int'l Class: 3) Soap pads
<b>3M</b>	1,361,367	(Int'l Class: 5) Culture media for use in biological laboratories
<b>3M</b>	1,398,525	(Int'l Class: 17) Plastic film used for making labels
<b>3M</b>	1,410,228	(Int'l Class: 9) Protective equipment-namely, disposable hoods and breathing tubes for supplying fresh air to painters during spray painting of vehicles
<b>3M</b>	1,416,082	(Int'l Class: 26) Bows made from decorative ribbon



<b>3M</b>	1,426,563	(Int'l Class: 17) Adhesive masking tape
<b>3M</b>	1,434,585	(Int'l Class: 9) Electrical connectors
<b>3M</b>	1,445,795	(Int'l Class: 1) Small ceramic shperes for industrial use as a filler
<b>3M</b>	1,467,108	(Int'l Class: 9) Prerecorded video tapes
<b>3M</b>	1,475,808	(Int'l Class: 9) Electromechanical control units for diluting and dispensing cleaning chemicals for use in the custodial market and units for preventing backflow to the water source therefrom
<b>3M</b>	1,492,238	(Int'l Class: 17) Reinforcing materials, not of metal, for use on electrical and communications cable
<b>3M</b>	1,531,747	(Int'l Class: 9) Fabric woven from ceramic fibers for use as a high temperature resistant textile in the aerospace and other industries
<b>3M</b>	1,540,295	(Int'l Class: 9) Optical fiber splicing kits, comprising an assembly tool and a module for holding the splice fibers together
3M	1,550,833	(Int'l Class: 9) Connectors for electrical and communications wires for use in the telephone industry
<b>3M</b>	1,584,213	(Int'l Class: 1) Fire extinguishing compositions
<b>3M</b>	1,584,310	(Int'l Class: 5) Teat dip for use as a protective barrier on the teats of dairy cows to keep common bacterial organisms known to cause mastitis from entering the teat canal
<b>3M</b>	1,611,779	(Int'l Class: 1) Adhesive coated plastic film for use in the printing industry for attaching printing plates to printing machines
3M	1,717,559	(Int'l Class: 8) hand held tool; namely, a dispenser for adhesive tape used in the construction industry
<b>3M</b>	1,831,027	(Int'l Class: 5) House mark for pharmaceuticals for the treatment of angina, arrhythmia, asthma, rheumatoid arthritis and osteoarthritis, acid indigestion and heartburn, inflammation, pain, muscle tenseness, food craving, metal poisoning and urinary septicemia
<b>3M</b>	1,958,973	(Int'l Class: 3) Carpet cleaning preparations

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3M	1,958,974	(Int'l Class: 3) Carpet cleaning preparations
3M	1,959,107	(Int'l Class 4) Dust control spray and dust laying and absorbing compositions for use on spray booth walls for use in the automotive industry
<b>3M</b>	1,997,394	(Int'l Class: 17) Plastic sheet materials and laminations thereof to plastic for use in manufacturing limited use garments
3M	2,025,128	(Int'l Class: 16) Disposal wipes not impregnated with chemicals or compounds
3M	2,063,090	(Int'l Class: 9) Computer mouse pads
<b>3M</b>	2,072,006	(Int'l Class: 3) Preparations for cleaning, polishing, glazing, waxing, restoring or preserving finished surfaces of motorized vehicles; rubbing compound, gloss enhancer, plastic, chrome and metal polish, plastic cleaner, vinyl cleaner and restorer, tire and wheel cleaner, tire dressing for motorized vehicles
<b>3M</b>	2,829,934	(Int'l Class: 5) Insect repellent (Int'l Class: 8) Fishing hand tools, namely, cutters, clamps [ and pliers ] (Int'l Class: 28) Fishing tackle, equipment and accessories; namely, fly lines, leaders, tippets, reels, fly boxes, fishing poles and rods; [ fly tying tools and materials, namely, feathers, furs, tinsels, yarn, chenille and magnifiers; fishing bags, creels, ] cases and wallets, [ rod holders, ] rod and reel cases, reel pouches; [ full line of fishing flies; ] and golf gloves (Int'l Class: 38) Pre-recorded audio and video cassettes, discs, tapes and films featuring instruction and information about fishing
3M	3,208,474	(Int'l Class: 40) Manufacturer of transdermal patches containing pharmaceutical preparations to the order and specification of others
<b>3M</b>	3,457,691	(Int'l Class: 14) Clocks

All the registrations identified above are valid and subsisting, and most are incontestable pursuant to 15 U.S.C. § 1065.



11. Whoisprotection.cc offers WHOIS privacy protection services in connection with domain names.

12. Subsequent to when 3M began use of its 3M Mark and the 3M Mark became famous, the domain name ssswin.com (the "Domain") was registered and Whoisprotection.cc offered WHOIS privacy protection services for the Domain.

13. Whoisprotection.cc's customer used the Domain in connection with an online gambling website (the "SSSWIN Website").

14. Whoisprotection.cc's customer promoted its online gambling activities by using an identical or highly similar copy of the 3M Mark ("Infringing Mark") and by linking to numerous sites that did the same.

15. 3M notified Whoisprotection.cc of its objection to the use of the Domain by sending a cease and desist letter to both the email addresses identified in the Whois record for the Domain and the email address complaint@whoisprotection.cc, but Whoisprotection.cc did not reveal its customer's identity or contact information, or address 3M's objections, until after the instant lawsuit was filed.

16. 3M is not affiliated with Whoisprotection.cc or its customer, and has not authorized the use of the Infringing Mark on and in connection with the SSSWIN Website.

17. This unauthorized use of the Infringing Mark on and in connection with the SSSWIN Website is likely to cause confusion, to cause mistake, and/or to deceive customers and potential customers as to the origin, sponsorship, or approval of the SSSWIN Website by 3M.

18. This unauthorized use of the Infringing Mark is likely to cause dilution by blurring and dilution by tarnishment of 3M's famous 3M Mark.



19. Whoisprotection.cc represents and warrants to 3M and to the Court that it has ceased providing WHOIS privacy protection services in connection with the Domain.

It is therefore **ORDERED** that:

(a) Whoisprotection.cc, its officers, agents, servants, employees, attorneys, and all other persons who are in active concert or participation with any of them are permanently enjoined:

(i) from providing WHOIS privacy protection services for the Domain;

(ii) from knowingly providing WHOIS privacy protection services or any other services for any domain name that includes without 3M's consent the mark 3M, MMM, M3, or any other mark confusingly similar to the famous 3M Mark; and

(iii) from knowingly providing WHOIS privacy protection services or any other services for any domain name used for a website that displays without 3M's consent the mark 3M, MMM, M3 or any other mark confusingly similar to the famous 3M Mark.

(b) If in the future 3M believes in good faith that Whoisprotection.cc is providing, for any websites or domain names that infringe or dilute its famous 3M Mark, WHOIS privacy protection services or any other services other than direct ownership of or active participation in the infringing or diluting name or material, 3M shall, before taking any steps to enforce this Consent Judgment, provide Whoisprotection.cc reasonable notice and an opportunity to cure the situation in accordance with the following procedure. Whoisprotection.cc (1) hereby provides 3M with an email address for Christopher Lee & Co., the attorney for Whoisprotection.cc, of [info@christopherleeco.com](mailto:info@christopherleeco.com) that 3M may use to provide such notice to Whoisprotection.cc, and

(2) within 5 days after entry of this Consent Judgment, will identify 3M internally as a "VIP," such that Whoisprotection.cc will consider 3M's correspondence a priority as specified herein. Notice from 3M under this paragraph shall include the domain name of the website 3M believes to infringe or dilute the 3M Mark and a brief description of the infringing material, including where reasonably available, a screen shot depicting the same. Whoisprotection.cc will respond to 3M with its decision within 48 hours after receiving the notice at the email address provided, unless the response date falls on a weekend or holiday, in which case Whoisprotection.cc will respond by the end of the next business day. If 3M's objection is not addressed to its satisfaction within that time, 3M may contact Whoisprotection.cc's attorneys at Christopher Lee & Co directly with its objection by emailing Christopher Mar Sze Wei at [cmar@christopherleeco.com](mailto:cmar@christopherleeco.com), or any other attorney at Christopher Lee & Co, who will consider and respond to 3M's objection in good faith and within 48 hours after the time the notice is received at the email address provided, unless the response date falls on a weekend or holiday, in which case Whoisprotection.cc's attorneys will respond by the end of the next business day. If 3M's objection is still not addressed to its satisfaction, it may then seek to enforce this Consent Judgment and/or pursue any other remedies that may be available under law.

(c) The compliance with the terms of the Consent Judgment shall serve as a full and final settlement of any claims with regard to the suit as stated in the First Amended Complaint or any claims that have accrued and are known to 3M as of the date of its signature below by 3M against Whoisprotection.cc and the registrar of the Domain, WebNIC.cc. For the avoidance of doubt, however, nothing in this paragraph shall relieve Whoisprotection.cc of its obligations under subsections (a) and (b) of the Order, above, regardless of whether the acts of Whoisprotection.cc giving rise to those obligations commenced or occurred before the Effective




Date and regardless of when 3M became aware of same. If Whoisprotection.cc responds to 3M's objection raised under subsection (b) of the Order to 3M's satisfaction, 3M shall not hold Whoisprotection.cc liable for any actions relating to the offending domain name or website prior to 3M's notice to Whoisprotection.cc to cure the situation, provided such actions did not involve ownership of or active participation in the infringing or diluting name or material.

(d) Nothing herein contained shall expressly or otherwise constitute any admission that Whoisprotection.cc is subject to personal jurisdiction in this or any other Court of the United States or a waiver of any objections to personal jurisdiction in any cases other than the above-captioned case.

(e) This is a final judgment, and each party hereby waives all rights to appeal from such final judgment.

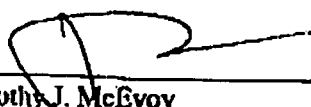
(f) This Court shall retain jurisdiction over this Consent Judgment for the purpose of resolving any disputes arising from or under the terms of this Consent Judgment, and any violation of this Order shall be punishable as a contempt of Court, in addition to any and all other remedies available at law or in equity.

SIGNED and ENTERED this 20<sup>th</sup> day of June, 2012.

  
T. S. Ellis, III  
United States District Judge

UNITED STATES DISTRICT JUDGE

**AGREED AND ENTRY REQUESTED:**

  
Timothy J. McEvoy  
[tmcevoy@cameronmcevoy.com](mailto:tmcevoy@cameronmcevoy.com)  
Virginia Bar No. 33277  
Cameron McEvoy PLLC

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Name: QUER WAI HENG

Title: MANAGER

Date: 23 MAY 2012

*JK*

**ATTORNEYS FOR PLAINTIFF  
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